

drape value of less than 2.45 grams force per gram fabric weight and a combined bend value of less than 0.42 milligram-centimeter per mil thickness.

13. (Twice Amended) A durable nonwoven fabric as in claim 12, said precursor web comprising layers of said polyester fibers.

14. (Twice Amended) A durable nonwoven fabric as in claim 12, said precursor web comprising layers of said polyester fibers and layers of nylon fibers.

### **REMARKS**

Responsive to the Official Action mailed January 30, 2003, applicant has further revised the claims of his application in an earnest effort to place this case in condition for allowance. Specifically, claims 12, 13, and 14 have been amended. Reconsideration is respectfully requested.

Applicant acknowledges the Examiner's Restriction Requirement, which has now been made final.

In the Action, the Examiner rejected claims 12-14 under 35 U.S.C. §112. This rejection is respectfully traversed.

In the Action, the Examiner notes that claim 12 is a product-by-process claim, and states that the burden is on applicant to show a difference in the product, since process limitations are of no merit. In this regard, applicant respectfully submits that his product-by-process claim is replete with specific structural features of the claimed fabric, which features clearly are *not* taught or suggested by the prior art relied upon in rejecting the present claims (discussed hereinafter). Thus, it is respectfully submitted that applicant's claims are clearly distinct from the subject matter discussed in *In Re. Thorpe* (citation omitted), (discussed in